

## REMARKS

### A. OVERVIEW

Claims 1-8, 10-19, 21, 23-28, 30, 31, and 43-45 are pending in the present application. Claims 9, 20, 22, 29 and 32-42 have been withdrawn on the basis the Examiner feels they are related to a patentably distinct species. The present response is filed in conjunction with the RCE filed on the same date. Entry and consideration of this Amendment with the RCE is respectfully requested.

### B. ELECTION REQUIREMENTS

It is respectfully submitted that the claims, as amended, do not relate to patentably distinct species or require any restriction requirement. It is believed the claims are not independent and distinct. Reconsideration is respectfully requested.

### C. CLAIM OBJECTIONS

Claims 2-20 have been amended to change the phrase "pole" to "pole and base".

Changes to claim 1 regarding the lower end has been adopted.

Claim 1 has been amended to eliminate the antecedent basis issue regarding the cross arms.

Claim 1 has also been amended to positively recite the relationship between the connection and the pole.

Claim 1 has also been amended to clarify the phrase "than the upper end of pole". It has been changed to make clear that relating the lower open end of the pole when slip-fitted onto the base is nearer the ground than to the upper end of the pole.

Claim 6 has been amended as suggested by the Examiner.

It is respectfully submitted these changes to the claims are made to overcome the claim objections and that each of those objections is remedied.

D. § 102 REJECTIONS

A number of claims have been rejected as anticipated under § 102(b) on the basis of Beecker U.S. Patent No. 3,242,252 ("Beecker"). This rejection is respectfully traversed. Beecker is a different apparatus than the Applicant's claimed invention. It is basically a street light having a top portion that is mounted on the top of the pole. Lights 28 and 30 are not aimable. They are part of a unitary, pre-manufactured, fixed piece that goes on the top of the pole.

Moreover, the focus of Beecker is on the amount of overlap between pole sections. It shows four pole sections, with the bottom-most section "assembled in an upright position and supported in a manner so that a substantial portion of the larger diameter end of section 14 is embedded in the ground or other supporting surface 12." Beecker column 2 lines 50-53.

Beecker unequivocally discusses an arrangement where the pole has a lower end which is embedded in the ground and extends up to a top which receives the fixed piece at joint 22.

While Beecker does show a plurality of slip-fit pole sections, it does not disclose any base.

Essentially Beecker is a variation on the age-old practice of a single piece wood pole installed with its lower end embedded in the ground.

Therefore, it is respectfully submitted that Beecker does not present a *prima facie* case of anticipation regarding Applicant's claims. It does not have a pole (whether one piece or multi piece) and a base. It does not have pre-aimed light fixtures mounted on cross arms.

However, in an effort to further clarify the distinctions between Applicant's invention and Beecker, claim 1 has been amended to specify that the base has a length and structural characteristics. It also specifies the pole has a length and a structural characteristic different from the base.

This distinguishes more explicitly claim 1 from Beecker, which has the same structural characteristics for lower pole section 14 as each and every other section 16, 18 and 20.

It is therefore respectfully submitted that claim 1 is patentably distinct and not anticipated by Beecker.

Similar changes have been made to independent claims 21, 43, and 44. It is respectfully submitted those claims are allowable over Beecker for the same reasons.

#### E. § 103 REJECTIONS

Many of the claims have also been rejected as obvious based on Okuto U.S. Patent No. 3,865,498 in view of Beecker. These rejections are also respectfully traversed.

Okuto clearly shows a combination pole and concrete base of different structural characteristics. The multi-section pole of different structural characteristic than the base is shown connected to and extending up from the base. However, there is no disclosure or teaching a slip-fit between pole and base.

The Examiner takes a position that the lower-most pole section can be a "base" in the sense set forth in Applicant's claims. For the same reasons expressed regarding the Beecker reference, such an interpretation changes the clear meaning of Applicant's claim terms in a manner which is not indicated. To call a lower section of the pole of Okuto a base is

inappropriate. Okuto does not call it such. It does not function as such. To do so ignores the explicit teaching and understanding of the structure of Okuto.

A *prima facie* case of obviousness requires that a reference, or combination of references, at least appear to show or suggest the claimed invention to one of ordinary skill in the art. There can be no dispute that Okuto shows a concrete base to which a tubular, multi-section metal pole is connected. There is no indication that there is any slip-fit between pole and base. Therefore, Okuto teaches no more than Applicant's admitted state of the art -- namely there are tubular metal poles that are bolted to concrete in ground bases.

Okuto also corroborates Applicant's argument regarding Beecker. Beecker discloses a hollow, tubular multi-section metal pole. It specifically states the end of the pole is embedded in the ground. It does not use a base.

The Examiner's combination of Okuto and Beecker therefore teaches no more than the state of the art -- use of (a) base of certain structural characteristic upon which a pole with other structural characteristics can be bolted or (b) utilizing just the pole alone and burying the end of the pole in the ground.

In direct distinction, Applicant's claims specify a base that has an in-ground portion and a portion extending above ground. It specifies the pole has a structural characteristic that differs from the base. This, in combination with Applicant's claim limitations that the bottom of the pole is slip-fit on the top of the base, distinguish Applicant's claims from Okuto or Beecker or a combination of the two.

It is also pointed out that claim 21 is a method claim. It specifically calls out positioning the base in the ground and then attaching to the pole an array of pre-aimed light fixtures. Last, the pole is slip-fitted to the base. As discussed, Okuto does not slip-fit the pole to the base.

Also, as discussed, Beecker embeds the bottom of the pole in the ground, it does not put the base in the ground, attach pre-aimed light fixtures to the pole, then slip-fit the pole to the base. The method of claim 21 is patentably distinct from the cited references.

Furthermore, claim 43 is also a method claim. It has specific method steps which are neither taught nor disclosed by Okuto or Beecker.

Claim 44 is a system that is also submitted to distinguish from the cited references.

It is therefore respectfully submitted that neither Okuto nor Beecker, nor their combinations, teaches or suggests Applicant's claims. They, in fact, teach away from the same. They do not present a *prima facie* case of obviousness. It is respectfully submitted that the independent claims and their dependent claims are not obvious in light of that combination.

The Examiner pointed out in the response to Applicant's prior arguments that the claims do not require the base be a single piece of concrete material. This is accurate. The claims are not limited to either a single piece or to concrete material. However, the amended claims do specifically define there is a structural characteristic that is different between pole and base. It is respectfully submitted this clarifies and further distinguishes Applicant's claims from the cited art.

#### F. CONCLUSION

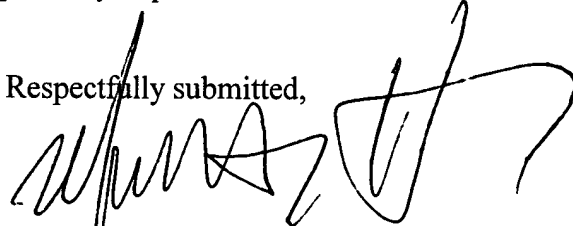
It is respectfully submitted all matters raised in the Final Rejection previous of record have been addressed and remedied and that the Application is in form for allowance.

This is a request under the provision of 37 CFR § 1.136(a) to extend the period for filing a response in the above-identified application for three months from March 5, 2004 to June 5, 2004. Applicant is a large entity; therefore, please charge Deposit Account number 26-0084 in

the amount of \$950.00 for one month to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to Deposit Account 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark D. Hansing', written over the text 'Respectfully submitted,'.

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